

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
June 13, 2012

PRESENT: Seth Davis, Chair
Alan Macdonald
Doug Olcott
Roseann Schuyler
Rhoda Stephens

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of June 13, 2012 was called to order at 8:02 P.M.

2. PUBLIC HEARING:

- a) **Doorley, Kevin** – 42 Van Wyck Street. Located in a RA-5 District and designated on the Tax Maps of the Village as Section 78.08 Block 6 Lot 18. Request for rear yard variance for proposed second story addition.

Mr. Ed Gemmola, architect for the project, presented the application for Mr. Doorley and Kaitlin and Stephen Palencsar who are contract vendees of the property. He displayed twelve photos of the property along with drawings. He gave a short history of the home, explaining that Kaitlin's grandmother had lived in the home until her passing and the house has been vacant since then. A variance was granted in March of 1986 for the existing dwelling, which was originally built in 1947. In October 1987 a variance was also granted for the shed. The house sits way back from the front property line. The house has a 4.8-foot setback on one side, 9.36-foot setback on the other side, and a 4.8-foot setback in the rear. The house had been declared legally non-conforming by the Village Engineer's letter of March 21, 1986. The proposed second story addition would meet current front and side yard setbacks, but would require a 10.61-foot rear yard variance to meet the current requirement of 25 feet. Mr. Gemmola explained that the second floor addition would increase the total square footage to 1937 square feet. The lot size and front yard comply with code as would the proposed floor area ratio and height of 22 feet. The proposed building coverage would be under 40% as required. The proposed garage would be slightly deeper to accommodate a work area and storage. Using the displayed plans, he explained the layout of the plans, and indicated that there would only be 2 new windows in the rear of the second story. He added that Kaitlin and Stephen had gone to school in Croton and were looking to start their family life in Croton.

Chairman Davis asked for clarification of the variance being sought from Mr. Sperber. Mr. Sperber explained that just one rear yard variance is being requested for the second floor addition. The back wall of the second floor will be 14.39 feet from the rear

property line and code requires a 25-foot setback, which accounts for the 10.61-foot variance being requested. He added that there was no problem with the first floor because it had been declared legally non-conforming in 1986.

With no questions at present from the Board, Chairman Davis opened the meeting to the public. First to step forward was Ellen Elchepp who along with her husband, Frank Tate, reside at 61 Grand Street. She passed around photos to the audience of views of the Doorley house from various points on her property. Copies of the same photos had been given to the Board prior to the commencement of the meeting. After Mr. Gemmola explained the variance to her, she stated that the applicant(s) were about 10 feet short of the required rear yard setback. She also stressed that she would be losing the little air space she has in the back yard should the second story be built.

Mr. Tate then stepped forward and said that at present he has issues with the lack of sunshine, and a second story addition to the Doorley house would add to the problem. He added that the neighborhood has a certain character; that none of the houses in the neighborhood were like the Doorley house, and the proposed project would hurt property values.

Next to step forward was Jason Prince of 40 Van Wyck Street. He lives in the home next to the Doorley home with his wife Emily and their three children. Mr. Prince submitted photos of his property and the Doorley property along with a statement from his wife that he read. A letter from Mrs. Prince had also been received by the Board and was part of the application documentation. Mr. Prince felt that the proposed project did not meet the 5 factors of consideration for granting of the variance. He said his opposition was not arbitrary; that the property in question stands directly next to his, and as a single-story house they learned to live with it, but adding a second story would be like putting another house in their backyard. He felt the proposal was not in keeping with the neighborhood and that a back yard should allow some privacy, and that there were other options. He invited the Board members to his property to see for themselves.

Mr. Addi Hou, residing at 63 Grand Street was the next to speak. He said that he and his family had moved from Brooklyn hoping to get away from the congestion. He originally thought the house in question was a garage or shed and that adding the second story would be imposing and would cause shading issues. He then read the letter he and his wife had written which had been included in the Board's documentation package.

Ms. Iris Stevens, of 44 Van Wyck Street, (next store to the subject property) then came forward to speak. She said she knew the deceased owner as well as the contract vendees, and the house very well, and had accepted the fact that their houses were close to one another. She felt that the owners had done what they could with fencing and "screening" trees to block the house from view. She had known about the plan to build an addition to the home but was surprised by the size of the addition and like her other neighbors is concerned about losing her privacy. She added that she thought the proposed size would not fit well. She had a question regarding the resulting overall height of the house should the second story be added. Mr. Gemmola clarified that with the proposed pitched roof,

the average height would be 22 feet and the highest point would be 26 feet from ground level. She concluded with the hope that something could be done to make everyone happy.

Mr. Gemmola then added that he had designed a hip roof from all sides to help mitigate the height situation and then went on to explain the placement of windows per his drawings.

Chairman Davis then explained for Ms. Stevens that the Board was not approving the design of the house, but only looking at the variance being sought. In response to her next question, he also said that there could be alterations in the design that would not need the Board's approval except in the case where the proposed alteration required a different variance.

Mr. Gemmola then responded to Ms. Elchlepp's question as to whether adding just to the first floor was considered. He said it was indeed considered but would double the cost and was unaffordable by the applicants. He said he could consider adjusting the proposed window number and placement.

Mr. Stephen Palencsar came forward to say that he felt there was only so much they (the applicants) could do. The house was already there. They are looking to come back into the community, are familiar with the neighborhood, and are excited about owning their first home. He added that the situation is not perfect but it was not their intention to cause problems.

Mr. Tate spoke again to say that regardless of the result of tonight's decision by the Board, he hoped they all would be good neighbors to one another.

Mr. Kevin Doorley who resides at 9 Sunset Drive said that his parents owned the subject house 25 years ago when there were no fences. Since then, a lot of area residents have needed some kind of variance. He said that cooperation is needed and that although his daughter and son-in-law are planning to purchase the home, whoever would buy it would probably want to do some sort of addition.

Ms. Elchlepp spoke again to say that the proposed second story addition would make the house loom over her back yard and she invited the Board members to visit her home to see for themselves.

Mr. Olcott said that he had been in the Doorley backyard and the Hou backyard.

A conversation between Ms. Elchlepp and Mr. Gemmola ensued about the loss of sunlight in Ms. Elchlepp's backyard and about whether there was any alternative, to which Mr. Gemmola again stated that the alternative would be too costly.

In response to questions about past variances, Chairman Davis explained that records on the history of the house were incomplete.

Mr. Allen Gordon who lives at 45 Van Wyck Street said that the size of the subject lot was reasonable but that the shape of the lot was causing the issue. He said he felt that adding another story to the house would be monstrous. He expressed concern about privacy and whether he could expect some sort of screening as a condition should the variance be granted.

This was followed by another conversation between Ms. Elchlepp and Mr. Gemmola regarding screening.

Chairman Davis officially closed the public hearing, and the Board went into deliberation on the application.

Chairman Davis started off by saying he was extremely reluctant to grant the variance without the support of the neighbors, much less with such opposition. He added that the conditions to grant the variance as set forth in the law were not apparent in this case. He further added that although a variance is needed for the current proposal, the owner(s) could build out within certain contours of the property, without the need of a variance, and as of right. He suggested that the dialogue between opposing sides be ongoing with the hopes of finding a solution mutually satisfactory.

Mr. Olcott said that although the Board has in the past granted variances for second stories, he found this variance request unique and difficult. He said that as much as he would like to support new families, it was hard for him to support this application.

Ms. Stephens agreed with Chairman Davis and Mr. Olcott. She said that the Board has to look at the five factors of consideration and felt that the variance was substantial and that granting the variance would be a detriment to nearby properties. She said she felt for the applicants and wished there was a different way to achieve the desired goal.

Mr. Macdonald pointed out that the designer could slide the second story 10 feet forward without the need of a variance, and that could be built as of right.

Ms. Schuyler said that like Ms. Stephens she felt for the applicants. She too tries to support new and growing families but in the face of the specific facts presented and the strong opposition, she could not support the application. She also pointed out that there were ways to build the second story as of right and without the need of a variance, but she hoped that the neighbors would pursue the discussion and could come to a mutually acceptable solution.

Chairman Davis again urged neighbors to continue the dialogue amongst themselves, and for the record read the names of the nine neighbors who had written letters of opposition to the Board. They were as follows:

Emily & Jason Prince, 40 Van Wyck Street
Ellen Elchlepp & Frank Tate, 61 Grand Street

Lauren & Charles Stathacos, 14 Hamilton Avenue
Helen Farnell, 7 Hamilton Avenue
Diana Marcus, 36 Van Wyck Street
Kerry Caelley/Goldberg, 37 Van Wyck Street
Kathleen O'Donnell & Kevin Mulligan, 9 Hamilton Avenue
Allen Gordon, 45 Van Wyck Street
Addi & Helen Hou, 63 Grand Street

This was followed by Ms. Stephens making a motion to grant a 10.61-foot rear yard variance for the proposed second story addition. The motion was seconded by Mr. Macdonald. The variance was denied with a vote of 1 in favor and 4 opposed. Mr. Macdonald was in favor; Chairman Davis, Mr. Olcott, Ms. Schuyler, and Ms. Stephens were opposed.

- b) **Straub, Christopher & Joanna** – 88 Olcott Avenue. Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.05 Block 5 Lot 6. Request for front yard variance for proposed addition to second story

Ms. Susan Riordan, architect for the applicants, presented the application. She explained that the subject house was a small house on a corner lot which was long and narrow, and that the applicants wished to expand the residence by using one of the attic spaces and opening it up as a dormer. This would require a 2.57-foot front yard variance for the front yard that faces Glen Place.

After Mr. Sperber explained the concept of two front yards, Ms. Riordan added that no neighbors would be affected and that the other front yard on Olcott Avenue and the side and rear yards are all conforming. The addition would produce an overhang of 2.57 feet. She also had drawings and photos to illustrate the proposed addition.

Ms. Schuyler added that the subject house is screened off in the front with shrubbery and with a fence on the Glen Place front yard and that the proposed addition would also be screened. She agreed that the addition would have no effect on the neighbors.

Chairman Davis opened the hearing to the public. No one stepped forward, so Chairman Davis closed the hearing and noted that no correspondence regarding the application had been received by the Board.

Mr. Olcott then made a motion to grant a 2.57-foot front yard variance facing Glen Place for the proposed addition to the second floor. Ms. Schuyler seconded the motion. The motion passed 5 - 0 with all members voting in favor.

3. APPROVAL OF MINUTES:

Ms. Stephens then made a motion to approve the minutes and amended resolution of the May 09, 2012 Zoning Board of Appeals meeting. The motion was seconded by Mr. Olcott. The motion passed 5 - 0 in favor.

4. ADJOURNMENT:

The meeting was adjourned at 9:38PM.

Respectfully submitted,

Toni Cruz
Zoning Board Secretary